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CITY OF WASHINGTON, SUNDAY MORNING, MARCH 21, 1858.

THE ADMISSION OF KANSAS.

SPEECH OF HON. HENRY M. PHILLIPS,

OF PENNSYLVANIA,

a the admission of Kanna as a Sale under the Lecompton Constitution; delivered in the House of Regresentatives, Murch 3, 1858. The Rouse being in the Committee of the Whole on

the state of the Union, Mr. PHILLIPS said : Mr. CHARGIAN : It was my intention, as it yet would he my preference, to have forborne the expression of my stews on this subject until the question of the admission of Kanssa into the Union as a State was regularly brought the notice of this House. But, Wmited as has been my

experience in this House, it has sufficed to show me that opportusities of obtaining the floor are neither freement. nor certain, and that if I relinquish it now I may not gain have the opportunity of proclaiming the sentiments which I entertain, the knowledge of which there are many

which I entertain, the knowledge of which there are many who are entitled to have.

I look upon this question as one in which the peace of the Union is involved. I do not speak of its permanence, nor do I suppose that there is any real danger of its early dissolution. But when its peace is disturbed when, from one carrence to the other, there is disturbed when, from one carrence to the other, there is disturbed when, from one carrence to the other, there is disturbed when, from one carrence to the other, there is disturbed when, from one carrence to the other, there is disturbed when, from one carrence to the other, there is disturbed by one of the carrend to calculate. And what may follow some day is much more tasy to be anticipated than pleasant to be considered.

This subject of territorial legislation has been at all times prelifie of discord. It was at the time of the attempt, and the successful attempt, at the introduction of Louisiana into the Union as a State, that an emilient gentleman from Massachusetts uttered in the hall of the House of Representatives what I have no doubt those who hear me have read with deep regret that it was ever ut-

hear me have read with deep regret that it was ever ut

There are some here, too, Mr. Chairman, who can well seconder the excitement and the painful anxiety occasioned, in 1819 and 1820, by the admission of Missouri into the Union. And now, when a similar boon is asked for her neighbor that was then extended to Missouri hereself, so man of truth will deny that there exists, through the control of the land that there exists, through the land that the exists, through the land that the exists, through the land that the exists of the land to feel the exists.

for her neighbor that was then extended to Missouri herself, no man of truth will deny that there exists, throughout the length and breadth of this land, a feeling of sehicktude and excitement; and that there is amongst the
extremists an almost sacrilegious soy at the reculrence of
events calculated to jar and disturb the harmony of the
Union, which a bold attack was hever produce.
Since her organization as a Territory, Kansas has known
no peace. Since the passage of the Kansas-Nebraska
act, Kansas has been the theatre of stiffs and tumult.
With evorything to make her people happy and comfortable, with a richness of soil and purity of climate
almost unequalled, it has been the scene of distord, of
riot, of violence, and of bloodshed, and it is time now
that these things should be stepped; Kansas calls upon
us to stop them; the people of every State in the Union
expect as much from us; and, Mr. Chairman, we must
consider what is the effectual way of stopping them, and
when we find that, we must apply the effective means, if
we can do so, constitutionally, and in obedience to the
recipnised law of the land. Shall peace be restored by the
selectal authorities, by the bayonets of the United States
troops, by the more constant vigilance and attention of the
soldiers or federal officers, or shall it he restored by the
selectal authorities, by the bayonets of the United States
troops, by the more constant vigilance and attention of the
soldiers or federal officers, or shall it he restored by the
people of Kansas herself? Shall she not be thrown at
once upon her own resources, and shall not her citizens
be told: "You shall be the conservators of your own
peace, and if you are a law-abiding people—if you have
a population, swen as it has been boasted here over and peace, and if you are a law-abiding people—if you have a population, such as it has been boasted here over and over again that you have—we appeal to you to obey the law, to support the law, and to restore peace to your over again Plat you have—we appeal to you to obey the law, to support the law, and to restore peace to your people in the State of Kansas." Believing, as I do, that proceed no re-established there permanently only by her admission as a State into this Union, and that the progress and prosperity of Kansas must begin to date from that act, I sincerely hope site will be admitted so soon as it is ascertained that she is in a condition entitling her to that privilege, and justifying us in according it.

I shall proceed, Mr. Chairman, to show that the admission of Kansas into this Union under her present application, and with the Lecompton constitution, is regular, is according to established principle, according to recognised precedent, and according to what some gentlemen on this Roor dare not deny is good authority. If this

this floor dare not deny is good authority. men on this floor dare not deny is good authority. If this is so, and she has a republican constitution, I say we have no right, regarding the peace and interests of our citizens, to hestate for one moment to admit her. I shall do little more, in the limited time allowed me, than assert the principles that I maintain, using but little argument, but referring, perhaps, to a good deal of sathority that ought to be recognised here in support of them.

the first question. Who disputes it? Does it require an enabling set? If it does, it has it. No man can read the Kansas-Nebraska act, without seeing that there is an enabling act there. But does it require an enabling act it tell the gentlemen upon this floor, who oppose the admission of Kansas under the Lecompton constitution, that I will appeal to those who have on former occasions spoken for them, and by whom I will judge whether it was regular or not. I will show the gentlemen who comthe majority of the opposition that their views have been expressed in such a manner that they cannot now contradict them; while to those who compose its minor-by, I will eite the highest authorities recognised by any

Mr. Chairman, why must an enabling act be passed Mr. Chairman, why must an enabling act be passed? Have the people the right to form a constitution or not? And if they have not the right, has Congress the right to bestow it upon them? I shall quote, upon this subject, my colleague from the fourteenth district, [Mr. Grow.] and I cite him because, as the republican candidate for Speaker, receiving more than eighty votes at the commencement of this session, he may be fairly considered the representative of the views and principles of that parcement of this session, he may be ready representative of the views and principles of that par-as he was formerly the exponent of them. I cite him by, as he was formerly the exponent of them. I cite him as good authority—as authority from which those who endorsed him at the commencement of the session canendorsed him at the commencement of the session can-not now dissent. What said he when the application was made to admit Kansas into the Union with a constitumade to admit Kansas into the Union with a constitu-tion framed without an enabling act—framed, permit me to say, by men in rebellion to the laws and with arms in their hunds, to be used against the federal authorities.
When Kansas came here, with the constitution thus
made at Topeka, he eloquently pleaded for her admission as a State, as a measure of peac regularity of her action, he said : ace, and in support of the

as a State, as a measure of peace, and in support of the regularity of her action, he said:

"The mode and manner of accomplishing it in organized States imports belongs to the forms of law to be prescribed by the Sinter property belongs to the forms of law to be prescribed by the Sinter imports of the Sinter in the Sinter again authorities. I have the authority of Governor Rob-ett J. Walker and of Mr Secretary Stanton. They have said, in words and language not to be misunderstood, that the Lecompton convention was lawful. They have said that the act of the territorial legislature authorizing the convention was right; and they have warned the people over and over again, that, if they did not vote for delegates when they had the opportunity afforded them, on their own heads must be the consequences.

heads must be the consequences.

Again, in the message of the atting governor in De-cember last, and after what is now called the mischief had been done, he says:

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Gov. Walket says very much the same:

"The people of Karses, then, are lavited by the highest authority known to the constitution to participate freely and fairly in the election of delegates to frame a constitution and State government. The law has performed its entire appropriate function when it extends to the people the right of suffrage; but it cannot complet the performance of that duty. Throughout our whole Unon, however, and where ever free government prevails, those who abstain, from the exercise of the right of suffrage, authority these state to violetic act for them in that confine energy suit the absentees are as much bound under the law state constitution, where there is no fraud or violence, by the act of the majority of those who de vote, as if all had participated in the election. Otherwise, as voting must be voluntary, self-government would be imparaticable, and monarchy or despotism would remain as the only alternative."

th many places he uses similar language. He says: If laws have been emoted by the territorial legislature which are disapproved of by a nederity of the people of the Territory, the mode in which they could elect a new territorial legislature and repeal those laws was also designated. If there are any gravibless of which you have any has right in complain, the lawful, peacesti man her is either you count remove them, in subordination to the government of your country, was also pointed out."

Again:

"In the case of Michigan, the territorial legislature were clothed by Corgress with no authority to assemble a constitutional convention and edupt a State constitution; but that, under the comprehensive language of the Kanasas and Norasaka bill, the territorial legislature was clothed with such authority by the laws of Congress, and that the authority of such a convention to submit the repathing to the vote of the people was as closer and cartain as that of Engress reselt, and that opposing to such a processing the laws of Congress.

Thus cursorily, Mr. Chairman, because it is not very important, I have referred to the authority of the leading men in the opposition, to show that the territorial convention was properly created, and was a regular and lawful body. Now, what was it to do? It did not submit its proceedings to the receive. It would have been better, perhaps, that it had. It is right on all such occashalls to do so. But is there any law requiring it? And if there is no law requiring it, what guarantee bays the that future legislation in that "Possillory will be better than the past?" Sealt We be told that there is any oblining than the past? Shall We be told that there is any obli-gation of law requiring the constitution to be submitted to the people. If so, I will again refer to the authority of Gov. Walker, to show that he distinctly told them, in advance of the election, that there was no such obliga-

"You should not console yourselves, my fellow citizens, with the reflection that you may, by a subsequent vote, defeat the ratification of the constitution. Although most anxious to secure to you the excrise of that great constitutional right, and believing that the currenton is the servant, and not the master of the people, yet I have no power to dictate the proceedings of that body."

"The only remody rests with the Mingeliffon Best, by submitting, if they desor host the northly bid for ratification or rejection, to the vote the people, index such just and reasonable qualifications as they may prescribe."

We find, then, that there was no recognised no requiring a submission of the constitution to the vote of the people; and the question now is, Mr. Chairman, what was done, and how far did that meet the public expectation? Mr. Walker, as I have said, told them in adjacent the constitution of the constitution to the vote of the constitution of the constitution to the vote of the constitution of the constit vance that there was no power to compel the convention to submit their work to the vote of the people. And yet, with all that before them, those who are now called the majority in that Territory absented themselves from the majority in that Territory absented themselves from the polls and refused to participate in the proceedings. What was the convention to do? I agree that it did not submit the constitution to the vote of the people. They were authorized to form a constitution, and they lad the right to do so. The gentleman who has preceded me [Mr. Exclash] has said that some of the delegates to the convention broke their party pledges; that they pledged themselves to a certain course of conduct and did not fulfil their promises. Agreed for the purpose of argument, but does that violate the law! Does that prevent the organic law going into effect in the manner prevent the organic law going into effect in the manner escribed in the instrument? He will hardly assert that e dishonesty or treachery of a member of a legislative body can affect its decrees, so that, if the fact even be as he states it, it cannot operate upon the validity of a law. If it would, where would safety be found? The same thing might occur again, and another election present a what did they do? They submitted to the people, not the constitution, but the question whether they should have slavery among them: and I believe that if the peo-ple had voted, under the circumstances to which I shall by and by allude, the constitution would not now con-tain that clause which to many on the flow, of the More

es it always has been, the only subject of division in that | twenty-seven - within two hundred and seventy-three of Territory. He said "the existence of slavery was the only question on which the people were divided; and the vote for delegates to the convention settled that by a ma-

Mr. GROW. Will my colleague give the date, if he pleases ? Mr. PHILLIPS. The 30th of June, 1856, when the

Topeka constitution was submitted; which constitution, by the way, received, I believe, only some seventeen hun-Mr. GROW. Twenty-three hundred.

Mr. PHILLIPS. I am reminded that my colleague was then chairman of the Committee on Territories; and that then chairman of the Committee on Territories; and that gives additional weight and emphasis to his statement. He spoke by authority. He stated this opinion on that occasion, and I do not believe he will deny it now. He has changed once, but I do not believe he will change in ference to this subject.

Mr. GROW. Whether I have changed or not is a

Mr. PHILLIPS. I will raise no question of fact be-ween my colleague and myself. My colleague, on that ecasion, further said, in reply to the inquiry of an honcable gentleman from Georgia, [Mr. TRIPPE :]

"I gave to the gentleman from New York the vote poiled at the lection immediately preceding the formation of the constitution. He news, as we'l as any man, that the only question in Kansas on which has people are divided is, whether slavery shall raist there og not? hat question was involved in the election of delegate. He knows, intat that is the only question to be settled."

It has not changed since then. If any other question has been raised since that time, I challenge any gentleman upon this floor to tell me what it is. If there is any other question on which the people of Kansas are divided, I ask any gentleman on this floor to rise in his place and tell me what it is. As it stood then, so it stands toor.

Mr. GROW. If my colleague desires an answer, I will give it to him, though I do not like to interrupt him.

Mr. PHILLIPS. I yield the floor to my colleague for

that purpose.

Mr. GROW. The gentleman inquires if there is any other question than that of slavery of difference between the people of Kansas; That was at the first the great ques-tion of division between them, as he has stated; but, sir, since the invasion on the 30th of March, another question has arisen. They believed that at the time a government was forced upon them which was illegal, by force; and since that time this question has, to a great extent,

taken the place of the slavery question.

Mr. PHILLIPS. The 30th of March of what year? Mr. GROW. It was in 1855. It was then that this invasion occurred, which forced upon the Territory of Kaneas a government which the people held that they te under no moral obligation to respect. This question has developed itself more and more as the question of slavery has subsided. I believe gentlemen will agree with me on all sides that, after a certain time, it was generally conceded that Kansas could not be made per

manently a slave State.

Mr. PHILLIPS. Well, sir, my colleague's speech was made fiften months after the invasion; and the question of slavery he then said was the only question in issue [Laughter.] He is good authority in this particular, and made fiften months after the invasion; and the question of slavery he then said was the only question in issue.

The government especially recognises the territerial act which will be recognised to the convention of the constitution with a win maxing application to Congress for admission as a State into Faich. That act is regarded at presenting the endy test of the deligates to the convention, and all precedents of the convention of the convention, and all precedents of the convention of the convention of the convention. It will back my colleague up with so much that the will not be people through the delegates who may be chosen to present them in the constitutional convention.

He tells them :

Mr. MONTGOMERY. I would like to ask my colleague whether the question of slavery was ever submitted?

Mr. PHILLIPS, If the gentleman wants to know,
I can tell him that it was submitted, and surely be will

Mr. MONTGOMERY. I do deny it most emphatically. The question of the importation of shaves from other states was submitted, and was the only one submitted. The question of the existence of slavery there was never submitted. Slavery now exists in Kansas, and by that constitution is fastened mean the people of Kansas now

nd forever,
Mr. PHILLIPS. I am glad my colleague has defined
is position on that subject. We will know where to ind him bereafter.

Mr. MONTGOMERY. There is no trouble in finding

Mr. PHILLIPS. 1 will show my colleague that the question of slavery was submitted to the people of Kansas. The constitution had been made, and the slavery question was the only one submitted. They were told that it would be submitted : but they were told, they were warned, that if they did not vote, they delegated their rights to those who did vote. They were told by Governor Walker, they were told by Secretary Starten, that ernor Walker, they were told by Secretary Stanton, that withholding their votes. They were never told that the constitution itself would be submitted to the people; for the legislature had not undertaken to direct the convention itself to the people; for the legislature had not undertaken to direct the convention to do it, but left it to the convention the do.

why, sir, some years ago, in Pennsylvania, when it was undertaken to change the constitution of that State, when the law was passed by the legislature for calling a convention, one of the most distinguished lawyers living, one of those who gave the fame and name of "a Phila-delphia lawyer," which I am afraid those who came after do not so well deserve, objected to the law on the ground—and I trust I may be considered as reading it now, (Appendix A)—because it undertook to tell the con-vention in what form the constitution should be sithinit-ted and advised. The law provided that after the convented and adopted. The law provided that, after the convention had finished their labors, they should adjourn for four months, not to submit the question to the people, but so that the members could learn the will of their consists. ents, by familiat intercourse between the representatives and constituents, and then act in accordance. William law, on the ground that the legislature, an inferior body, had no right to undertake to control the convention, a superior body, composed of delegates just fresh from the people—a direct emanation of the people. Will my colleague tell me why an inferior body should prescribe rules for the government of a superior body? Will he, with all his littles of popular sovereignly, tell me what

body he recognises higher than a convention of delegates selected by the people to frame a constitution for them? I agree that the convention of Kansas ought to have submitted the constitution which they had framed to a difficulty, because, from the earliest moment, it seems to have been determined by the professing majority that they would have rule or run. Their absenting themselves from the pells was not accidental. It was the result of from the polls was not accidental. It was the result of deliberation and combination; and now, forsooth, when things have been regularly done, and the convention has given to the people the decision of the only question which those high in authority have pronounced as the only one upon which the people differed, they turn yound and say that a majority did not vote, and disk you if you will take that as an expression of the will of the majority, when only a minority voted.

I have some instances, with which my colleagues are familiar, in which a minority have made a constitution, and have amended it, and I say to them that, on Innesi

and have amended it: and I say to them that, on almost every obvision on which the question of amending the constitution has been before the people of Pennsylvania. majority of the people have not voted for it; but still has been carried by the votes of a minority of the voit has been carried by the votes of a minority of the ters. When there is a contest about men, there is an anxiety of feeling; but when the contest is one of principle, of establishing organic law—men may talk as much as they please, but I put facts against arguments—

the minority seem to control, for the majority do not vote. It may be that they did not feel an interest in the question; that they had no time, and perhaps no desire, to look into the question involved; or they have had confidence in those who prepared the constitution of amendments; but certain it is, for some reason, be it what it may, they failed to vote.

In 1835 the people of Pennsylvania were called upor is so obtooxious.

Now, I propose to show, by the same authorities, that the slavery question was the only question that was distilling the people of Kansas. I cite again my colleague [Mr. Grow] to show that the slavery question was then. two hundred thousand. The votes in favor of calling a convention to revise the constitution were eighty-six thou-sand five hundred and seventy. What will gentlemen say to this! The convention was legally called. body doubted the truth of the doctrine proclaimed by Governor Walker, that those who did vote controlled these who did not. Eighty-six thousand votes only, out of two hundred thousand voters, called that convention. We have another remarkable instance. When the new constitution was submitted and adopted by the people of Pennsylvania in 1838, two hundred and fifty ndred and forty-six people voted for governor, and yet the new constitution was adopted with only one hun dred and thirteen thousand nine hundred and sevents

ote in the case of Kansas Mr. PHILLIPS. 1 know of none who were excluded

om voting.

Mr. MONTGOMERY. There were nineteen counties Kansas that had not the right to vote.

Mr. PHILLIPS. That is begging the question. My

olleague knows that those who do not choose to exercis their rights have no rights Mr. MONTGOMERY.

Mr. PHILLIPS. It is very well to find a pretext when e wants to find fault.

Another instance has occurred in Pennsylvania since my colleague has been a member of this Congress. While there were three hundred and sixty thousand votes polled at the election in 1857, for governor, the highest vote polled both for and against—the proposed amendments to the constitution was less than forty per cent, of that number. For one of the amendments the highest vote cast was one hundred and seventeen thousand one hunired and forty-three, and twenty-one thousand four hun dred and torty-three, and twenty-one thousand four hundred and twelve against it. One hundred and thirty-eight thousand five hundred and fifty three out of three hundred and sixty-three thousand and eighty-one voters in Pennsylvania adopted those amendments; and under those circumstances I have no doubt my colleague will seknowledge that the amendmentshave been adopted and

ure a part of the organic law of Pennsylvania.

Now, in the case of Kanses, if the election was a legal and a lawful election, those who stayed at home, as tiev. Walker says, authorized those who did go to the polis to set for them. The convention having submitted to the people the only question in issue, and the people having ted upon it, it remains a part of the constitution. I have thus shown, I trust, that there is no law re

quiring the constitution to be submitted to a vote of the people. If there is any such, I have not been able to find it. All principle, precedent, and, I was going to say, very much of practice, is against it.

Now, let us consider what the constitution is. In the first place, is there a doubt that the people may wipe away every provision of it as with a breath? What is a constitution? A State constitution differs very materially from the national constitution. Gentlemen who cite the federal constitution, though upon the side I am endeavoring to sustain, are in error. The Congress of the United States can do nothing which the constitution does not authorize. Our powers are limited; our hands are tied; and for what we do we must find our authority in the constitution. In regard to a State constitution, exactly the reverse is the case. The members of a State logical nuch that he will not be ashamed of the position he ture may do every act of legislation which the constitu-hen took. Gov. Walker said; tion does not restrain nor prohibit. There can be no doubt it can be exercised in any other mode except that pre-about that; and I need cite no precedent for such a phin and scribed?

mentous question [that means slavery] which has introduced discord and circl war throughout your borders, and threatens to involve you and our country in the same common rain."

The halfs themselves. Distributed as the powers by the States themselves. powers by the States themselves. Distributed as the powers of government usually are, the legislative body of a State as the sovereign hybelotive power of the State, controlled and limited only by the constitution. The astional constitution is an enlarging, a granting instrument: not so, however, with a State constitution; it is a restraining instrument; and, if the constitution of Kansus has restrained either the people at any time, or the legislature until after 1864. I have been unable to discover it. I say, too, if the restraint does apply, as the gentleman from South Carolina [Mr. Kerri] undertook to

cover it. I say, too, if the restraint does apply, as the gentleman from South Carolina [Mr. Kerrr] undertook to assert, the constitution would not be republican, according to my notions.

Mr. Chairman, this class of the constitution, so much talked about, it seems to me, has not been rightly moplied. There are two or three clauses in the constitution of Kansas which we must look at in this connexion. The of Kansas which we must look at in this connexion. The clause which probabits an alteration of the constitution until after the year 1864 operates only upon the legislature; and it interferes in no manner with that other clause by which the right of the people is expressly reserved and recognise. I should continue for the right of the people at all events; but when gentlemen stand here and say that they are opposed to the admission of Kanaje because the constitution is not a good one; when may all filling that this strife should continue in Kanasas, I want to say to them—and that expect to convince anybody, for I fear that we rush too blindly to conclusions on political matters for that—that there is in this constitution of Kanasas an express recogniblindly to conclusions on political matters for that—that there is in this constitution of Kansas an express recognition of the people's light to change their constitution when they please. Those gentlemen who und that to say that they are restrained from doing so until 1864 fall into an error in confounding the application of that section with the section which applies solely and exclusively to the people. This right of the people is recognised everywhere. It is recognised in the Declaration of Independence, which declares the self-evident truth:

The full mean are rested consistent that the gare endowed by their Creator with certsin inalignable rights; that discond because these rights go criments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundation or such principles and organizing its powers in such form as to them shall see to meat tikely to effect their safety and happiness."

shall see in meat takely to effect their safety and happiness."

The constitution of Kansas recognises it in the fullest possible manner, and that clause which relates to 186 soperative only upon the legislature, and in language so plain that no man can doubt, except those who choose wilfully to do so.

Now, sir, those two clauses are not inconsistent. The

Now, ar, those two chaises are not inconsistent.

One applies to the people and the other to the legislature.

This enumeration of rights, says the constitution, shall not be construed to deny or disparage others retained by the people.

Mr. KUNKEL, of Pennsylvania. I desire to ask my

colleague a question, for I really feel some interest in his opinion upon this point. I understand him to say that the clause of the constitution forbidding a change before 1864 applies to the legislature. I understand him to say that another provision of the constitution provides for a strategy by the people before 1864, or after, as the case

may be.

Mr. PHILLIPS. Yes, sir, at any time.

Mr. KUNKEL, of Pennsylvania. Now, sir, what I propose to ask my colleague is in the way of a practical question: I find that the resolution of the democratic convention of our own State, which has I that redounced. contends for this same power, and says the people have it by 'regular process.' Now, I want to know from him how he would propose that the people should exer-

Mr. PHILLIPS, 1 will tell the gentleman. They shall petition the legislature, who shall authorize them to have a convention.

have no power before 1861.

Mr. KUNKEL, of Pennsrlvania. But the legislature have no power before 1861.

Mr. PHILLIPS. The gentleman is wrong. The jegislature have power to propose legislature meadments at, any time, and the restraint unon them is only after that time. I have a number of precedents upon that point. The constitution of Pennsylvania imposes a similar restraint upon the legislature; and yet my colleague will not risc here and tell us that the people of Pennsylvania are so re-

strained, and cannot have a convention.

Mr. RUNREL, of Premeylvania, I contend that they are not restrained. They have a night ill distributionary right to change their government, just as the people of Kansalhave: but it is not a right by "regular process."

Mr. PHILLIPS. Well, I contend for the right by regular process. I want to put down the exercise of these revolutionary rights in Kansas. I want to substitute

regular process for the strong arm of violence, with which the Territory has been too long governed. The people of Pennsylvania may have a convention

vania similar to the two in Kansas; one acknowledging and declaring the right of the people at all times, and the other preventing and restraining hasty and too frequent legislates at tion. I will refer my colleague to a precedent. In 1776, Pennsylvania had a convention, over which Benpeople, in similar phraseology to the clause in the constitution of Kansas. And it contained another clause ten times as strong as the one in the Kansas constitution, which provided that there should be a council of censors, two thirds of whom should propose amendments to the people. (Appendix B.) The censors met and would not propose amendments to the people. A majority were in favor of it; but not the requisite two-thirds. They adjourned over till another year. The people then tried again to have their constitution amended by what they supposed was the only "regular process," but the council of censors again refused. The constitution was defective in many things. It had some good things in it, but it was imperiect, and its radical defect was that it provided for but one branch of the legislature. When the council of censors refused to call a convention to propose amendments, or to propose amendments themselves, the unjority of that council addressed the people, and, speak-ing of those who opposed the measure, said, "Their sullen no in this council cannot rob you of your birth-

They did not consider it a gift, an acquired right they did not consider it a girt, an acquirer ugar, they claimed it as a born right—a birth-right of which they could not be deprived, especially by a clause operative only upon that council, and ineffectual upon the people whose rights and powers had been preserved by

the other clause. Mr. PHILLIPS. No, sir; it was not revolution; it was regular process. It was put upon the ground that there was a reservation in that constitution similar to the there was a reservation in that constitution similar to the one here, and that that reservation was to be construed as I am contending that this ought to be construed now. The legislature took the same ground. It was opposed then as it is opposed now. It was insisted that the "regular process" was the process of the council of censors But the legislature overruled that, and said: "You gen tlemen who compose the council of censors may propose amendments, and if you do, it must be in the form prescribed; but the people have, at the same time, the righ o amend or reform the constitution at their pleasure; and the legislature declared, and the people exercises this right. This was not done without a struggle of mind and argument: the minority insisting that the only regu-ber process was through the council of censors, and that any other attempted mode was in itself a violation of the constitution, presented plausible, yet unsound reasons for their opposition to the call of a convention. A constitu-tion was framed in 1790; it had in it no clause providing for its change or amendment. Yet who dured to dispute the right of the people to have a change when they de-sired it? They have the undoubted and hitherto undo nied right either to make an entire constitution, or to

amend the existing instrument.

Mr. Chairman, what is this clause in the constitution of

Kansus !

"Sec. 14. After the year 1864, whenever the legislature shall think it necessary to amond, after, or change this constitution, they shall in eccessivy to amend, after, or change this constitution, they shall recommend to the electors at the next general election, two thirds of the members of each home concurring, to vote for or against calling a convention; and if it shall appear that a majority of all entired of the State have voted for a convention, the legislature shall at its next regular source of the convention. We will shall appear that a majority of all entired to the State have voted for a convention, the speak regular source of the convention. We will shall appear that a majority of all entired to the regular source of the second of the convention of the speak of the second of

the people the right to amend their constitution?

Mr. STANTON. I wish to inquire of the gentleman from Pennsylvania whether he holds that where a power

that from Ohio that there is express power granted to the people, that that there is no restriction upon the legislature until after 1804. This is not a great of power, but a restraint upon it. When you undertake to restrain a legislative body, and to deprive them of rights, you say it in words that cannot be misunderstood. I have the authority here, which the gentleman will recognise, of the Topcka constitution. [Laughter.] The Topckaites know how to restrict the legislature, when they wanted to do

it. I have said that this clause is operative only upon the legislature; Set I mean to show that it is not operative until after 1864. Will the gretleman from Ohio [Mr. Sravrox]—a good and emiment lawyer at be is undertake to say that he is not fumiliar with law after life be. ginning, that after such a day such and such shall be the law. If it will be the here and assert that it will be the law until the day specified arrives. I will show the gentleman the language which is used direct the object is to prohibit anything being done before or up to a given day. I read from the Topeka constitution, this republican instrument which it is incisted shall be the basis of the admission of Kansas:

Self. I. No charge to give the formation of a new constitution shall be caused, sent no empendment to the constitution shall be the day of the formation of a new constitution shall be caused, sent no empendment to the constitution shall be the constitution shall be the constitution shall be caused.

They recognised the difference between the two the people and the legislature. When conventions want for prohibit the exercise of that power they use language that cannot be misunderstood. If also one takes up the statute-books of the United States he will find "models of laws beginning that from and after a particular day. statute books of the United States he will and """ whereds of laws beginning, that from and after a particular day there whall be such law, and surely no member will argue before this body that before the time specified the law is operative or in love. I say that this clause in the constitution of Kansas is not of sure effect whatever until 1864. It then takes its place there, If not previously altered or expunged. It may not have been so intended. The Topeka constitution is very different. It prohibits the amendment of the constitution effectually before the very 1865. If this clause was intended to have a different effect, the framers have over-reached themseived. If it was intended for good, I can very well understand the argument hat, having made it new constitution, and infallibility not believe affected to man, legislative amendments should be encouraged in to new constitution, and infallibility not the structure of man, legislative amendments should be encouraged by to 1864; so that, by that time, experience might show its merits or defects. But at that time, the constitution having been sky years in existence, it was thought should not be changed by factly legislative action, nor except by two-thirds, and in a more deliberate manner than previously. It the motive was bad, then these men have signally over-If the motive was tad, then these men have making over shot their, mark, I say you cannot take up the statutes of state legislatures, or the acts of Congress, without finding laws enacting that ofter a day such shall be the law; and if that has been construct to filean that the law should not go into effect till that time, I whilt to see the judge who would construe differently a restriction contained in this clause upon the legislative power.

contained in this clause upon the legislative power.

I hold the doctrine that the legislature of a State has all the sovereign legislative power, except such as is for necessary purposes reserved, either expressly or by implication, to the people. It is not new doctrine that I am entiridating here: but I have been astonished at the ground taken by some members in the matter. I do not know that they want, wilfully, to pervert the condition of things; but the idea is absurd that, because a certain clause in a constitution declares that the legislature shall be restricted, after a certain time arrives, from amending it, except in a traticular way, it is to be construed so as to restrain their action before that time arrives. Until after 1864 it is inoperative, as though it had been said that the clause should not be inserted in the constitution till that time arrives.

tution till that time arrives.

I quarrel with no man because he differs in opinion with me. I agree with the gentleman who last stocks is I quarrel with no man because he differs in opinion with me. I agree with the gentleman who hast spoke in not deeming it essential whether this is made a party test or not. I believe that this constitution has been framed with all the requirements of recognised law; and I, for one, will never sufetion the releasing the state of the room the moment of its integration. I have given the highest authority, among the opponents of the admission of Kansas, to show that it was regular in everything, down to its subtriction to a vote of the people. I have pointed gentlemen to the case of the constitution of my own State made in 1799, which was not substituted to the people, and it remained unaltered for forty-eight vents. I can refer them to State after State whose constitutions are the substitution of the provision in her contribution, that it should only be amended every twelfth year; but it likes constitution was made in another year, and was accepted withinity at be amended every twellth year; but a new constitution was made in another year, and was accepted within it murmur of illegality. The man who would attempt to restrain the exercise of a sovereign power by the people would meet that doom which every public man would

want to avoid.

Now, what do we gain by admitting Kansas with this [Yecompton constitution?] In the first place, do we violate air principle? If we do, I will not vote for it. late any principle? If we do, I will not consider the professed majority in Kansus can have for popular sovereignty when they come here with their Topeka constitution, 220 say that the people of Kansus cannot and shall not amend their constitution for eight or nine years! Suppose this is a had constitution amongs that it admits slavery, and is a part constitution: suppose that it admits slavery, and that the people do not want it there: I do not believe that slavery can exist there; I have not an idea that it cail! and as it cannot exist there as an institution, I would rather see it out of the constitution. I do not object to the existence of slavery in a State where the people de-sire it. I do not want it in my State; but I do not obsire it. I do not want it in my State; but I do not object to the fullest enjoyment of it in a State where the people desire its existence. But whether it is the slavery people desire its existence. But whether it is the slavery or any other clause that is obnoxious to the people, I put my fluger on the clause that the people may after their constitution when they think proper; and I challenge gentlemen to point to any clause which says that it pro-hibits the amendment of the constitution at any time-immediately, if the people choose it.

These are the views that I entertain. Unlike the gentteman from Indiana (Mr. Excussi) who preceded me, have no apology to offer for avowing the principles I hold.

and which have been adopted by the party to which I am proud to belong—that party through which alone the proud to belong—that harmony of the country can be preserved. To me, it is immaterial whether this act shall, or shall not, be accompanied by a declaration or condition by Congres that the people shall have, at all times, the right o altering their constitution. You might as well insert a declaration that the sun shines; the two propositions are equally plain, without the declaration of them. I will vote for such a declaration, for it asserts expressly only what is there by necessary implication; and because, if there be any room for doubt, it will remove that doubt. I will vote for it in any way; either as a declaration, a provise, or a condition; although I believe it is there al-Recognising the right of the people of Kansas to ready. Recognising the right of the people of Ransas to after their constitution when they please; and recognising the right of the legislature, at any time before the year 1864, by the vote of a bare majority, to propose amend-ments, if the people do not wish to go through the form of having the entire constitution changed, and if they are only dissatisfied on one clause; and entertaining the be-lief that the admission of Kansas into the Union is a measure of national peace, and that the strife which would follow its rejection would envelop and affect every man in the country, I most carnestly trust that calm coun-sels will prevail, and that the matter may be put in such a shape as the gentleman from Indiana has just hoped it might be, to command the votes of himself and others. might be, to command the votes of himself and others.

I hope there may be no dissensions in a party on which depend the success and quiet of the country; and I promise gentlemen that, if that is done, there will be no more disaffection nor disorder; because I do not believe that the people of Kansas are so suicidal or so fratricidal as to ontinue dissensions and discords when the federal go-nument shall have removed its forces from the Territory and relieved it from territorial dependence. If that be the result, Mr. Chairman, I am sare that all will be sat-isfied who have contributed to bring it about. [Here the hammer fell, the hour having expired.]

[APPENDIX.]

(A) [A] (A)

Resolutions of the Legislature of Pennsylvenia, and reper for the good people of this house, it is expedied and reper for the good people of the charmon wealth to choose a convenion for the purpose of reviewing and, if they see occasion, altering and amending, the constitution of this Sate.

"Resolved, That, in the opinion of this house, a convention being based and, not, it would be expedient, but, and reasonable that the overvation should publish their amendments and alterations for the memberation or the people and adjourn at least four months previous conditionalities.

6th awarter

will be assumed by corock or a it safe tran mission.

The COUNTRY PAPER is published tri-weekly during the sessions

SAPINSTRIASTERS are authorized to act as our agents; and by sending us rive BAILY subscribers, with \$50 enclosed; or ever SEMI-WEEKLY authoritors, with \$25 enclosed, will be entitled to a copy

From the Constitution of Fennsylvania, of 1776.

The order that the freedom of this Commonwealth may be preserved in Shale forever, there shall be chosen by balled by the freem we in each city stiff costaly respectively on the accord Tuesday of October, in the year one iffenessed seven hundred and sighty three, and on the second Tuesday in October, in every seventh year there after two persons in each city and county of this State, to be called the council of censors, who shall meet together on the second Bonday of November next ensuing their election; the majerity of whome shall be a quorum in every case, except as to calling a convention, in which two shirds of the whole number elected shall agree, and whose duty it shall be to inquire whether the constitution has been preserved involute in every part; and whether the including an executive form control of covernment have performed their duty, as guardians of the peoffer or assumed to themselfers, or exercised, other or greater powers than the first care have been disposed in all parts of this Commoffeeshib, in what manner the public moneys have been disposed of, and whether the laws have been disposed in all parts of this Commoffeeshib, in what manner the public moneys have been disposed of and whether the laws have been disposed on parts of the laws have been disposed on pass public constructs, to order improcalments, and to recommend to the legislature construct, to order improcalments, and to recommend to the legislature

The death of two interesting little children, HARVEY ROBERTS (1972) 10 months, and MOLLY BLANCH GLOVER, aged 2 years 2 mindres and 16 days, in the short space of three weeks, courses the following lines to far periods by a friend. They were the helicidal children of John W. and Eliffs F. Grover, of this city:

"Never again?" our said bearts and ;
"Never again?"—and toars self fast;
For, first, our noble boy was dead.
And, lovellest, died our girl at la-t. "Ever again" then Farm replied,
"Ever again" shall they becomes,
The spring time buds we nursed with pride
Bloom in their native angel bowers!

W E have just received a large addition to our stock of cabinet and other formiture, which has been gotten which we warrant of the best quality. PARLOR SUITES COMPLETE.

Of cosewood, valuat, and mobigeny, upholetered in various colors and material. Solis, centre, and side tables, escritoires, chageres, and Sharson. Due and mantel glasses, in gift, with marble slobs and brackets.

(HAMBER SEX. COMPLETS.

Solid oak, handsemely ornamented in gold, solid walnut and mahogony, carved black, enamelied in gold and flowers, with other painted sets, all solers. DINING ROOM.

tisk, walten, maliogany, and therry extension Coing-lables, from this, wathin, managany, and code laddes' dining chairs (tak, wainin, and malogany seleboards, with marble tops Shelves, Sec., ornamented with looking glass backs.

PEATHER BEIS, DOLSTERS, AND PILLOWS Carled bair, busk, and busk and cotton mattresses. OFFICE DESKS, CHAIRS, AND SALAMANDER SAFES.

arno's and Marvin's Wilder's patent salamander fir proof sales, secured by the celebrated "La Belle lock," Also, to great variety, bedsteads, bureaus, wardrobes, washeshuds, ightstands, sens, toles a bites, casy and rocking chairs, in haircioth.
Two thousand came sent chairs. All of which will be sold low for ash or approved paper.

Feb 23 - coowif Nos. 530, 528, and 521 Seventh street.

[No. 597.]

Notice of the Removal of the Land Office from Sauk Rapids to St. Cloud, in the Territory of Minnesota.

Minnesofa.

In accordance with the provisions of the act of Congress entitled "An act authorizing changes in the beation of cane offices," approved March 3, 1883, it is breely declared and made known that the office for the safe of the public lands at Saxr Rarne, in the Territory of Minnesona, will be removed to Sr. Cloub, in said Territory, at a cardy a period as practicable.

Further notice as to the precise time of removal will be assued by the recister and receiver for the land district. Further notice as to the precise time of removal will be assued by the register and receiver for the hand district. Given under my hand at the city of Washington this townly third day of February, A. D. 1888. By order of the President:

By order of the President :
THOS. A. HENDRICKS,
Commissioner of the General Land Offic
Feb 25—Jawfey [Int. &Star.]

THE BOOK OF THE CONSTITUTION.—The de THE BOOK OF THE CONSTITUTION.—The demand of the people from all parts of the country for a new edition of this book, briging down the statistics to the present time, is such that it cannot longer be disregarded. It is sufficiently known throughout the country to render a particular description of it unnecessary here; suffice it to say that it contains the excision of its having received the voluntary and generous patronage of both houses of Congress, of it having been adopted by the Supreme Court any standard edition of the constitution of the United States, and of its having received the special approbation of some of the whost statesmen of the past and present age. It has been pronounced by them as a suitable fire-side companion for every American citizen, and set a text beek for the triong generation or the schools. Mainors who centerate and support the constitution, the sentiments of Washington, and the principles it imbodies, have herefolors given it their generation at valuable support. Entors was and the principles it innounces, and it for the supply to their generous and valuable support, to obtain it for the supply fooksellers and others who may desire to possess the new edition will please address.

William Rickey, it., Washington City, D. C.

MISS HOSMER'S BEATRICE CENCI SLEEPING This exquisite piece of senditure executed at Rome by Har-net Hoomer, the American sendpires: on exhibition for a limited pe-riod at Philips Fine Art failury, 222 Phines Points are me, (Wall-Stephens, & Co's new building.) Admission of courts. Hours from 11 s. m. 60 dusk

The proceeds of the exhibition for the benefit of

chosen and not, it would be expedient, and, and reasonable that the porty attorn should publish their amendments and alterations for the features like and 14th effects of the people, and adjoint at least four months previous to consideration.

Profest of William Lewis.

Profest of William Lewis.

**I discent, because, although I admit, in the fullest extent, that it will be proper for the convention to submit to the consideration of passengers and baggage to the botel.

**Out 9—

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